

**GUTRIDE SAFIER LLP**

Adam J. Gutride (State Bar No. 181446)  
Anthony Patek (State Bar No. 228964)  
100 Pine Street, Suite 1250  
San Francisco, California 94111  
Telephone: (415) 639-9090  
Facsimile: (415) 449-6469

**MIGLIACCIO & RATHOD LLP**

Nicholas Migliaccio, pro hac vice pending  
Jason Rathod, pro hac vice pending  
Esfand Nafisi (State Bar No. 320119)  
388 Market Street, Suite 1300  
San Francisco, CA 94111  
Telephone: (202) 470-3520  
Facsimile: (202) 800-2730

*Attorneys for Plaintiffs*

**GOODWIN PROCTER LLP**

BRETT M. SCHUMAN (SBN 189247)  
*bschuman@goodwinlaw.com*  
BRENDAN E. RADKE (SBN 275284)  
*bradke@goodwinlaw.com*  
Three Embarcadero Center  
San Francisco, California 94111  
Tel.: +1 415 733 6000  
Fax.: +1 415 677 9041

*Attorneys for Defendant  
PAX Labs, Inc.*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

BRADLEY COLGATE, KAYTLIN  
MCKNIGHT, M.H., a minor, by her Mother  
and Natural Guardian JENNIFER HELLMAN,  
L.B., a minor, by her Mother and Natural  
Guardian, JILL NELSON, ANTHONY  
SMITH, COREY SMITH, KACIE ANN  
LAGUN, A.U., a minor, by her mother and  
natural guardian, LISA COMMITANTE,  
TOMMY BENHAM, and DAVID LANGAN  
on behalf of themselves, the general public and  
those similarly situated,

Plaintiffs,

v.

JUUL LABS, INC. and PAX LABS, INC.,

Defendants.

Case No. 3:18-cv-02499-WHO

**STIPULATION OF DISMISSAL OF PAX  
LABS, INC. WITHOUT PREJUDICE**

Judge: Hon. William H. Orrick

Action Filed: April 26, 2018

**STIPULATION OF DISMISSAL WITHOUT PREJUDICE**

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Plaintiffs Bradley Colgate; Kaytlin McKnight; M.H., a minor, by her mother and natural guardian, Jennifer Hellman; L.B., a minor, by her mother and natural guardian Jill Nelson; Anthony Smith; Corey Smith; Kacie Ann Lagun; A.U., a minor, by her mother and natural guardian, Lisa Commitante; Tommy Benham; and David Langan (“Plaintiffs”) and Defendant PAX Labs, Inc. (“PAX Labs”), by and through their respective counsel, file this stipulation of dismissal without prejudice as follows:

WHEREAS, Plaintiffs filed their Complaint on April 26, 2018 (Dkt. 1);

WHEREAS, Plaintiffs filed their First Amended Complaint on June 12, 2018 (Dkt. 24);

WHEREAS, pursuant to stipulation, Defendants’ last day to respond to the First Amended Complaint by motion is currently July 10, 2018 (Dkt. 19);

WHEREAS, pursuant to Federal Rule of Civil Procedure Rule 41(a)(1)(ii), the plaintiff may voluntarily dismiss an action without a court order by filing “a stipulation of dismissal signed by all parties who have appeared”;

NOW THEREFORE, the parties hereby stipulate and agree to the following:

1. Plaintiffs’ claims against PAX Labs are hereby dismissed without prejudice, contingent on the following conditions:
  2. PAX Labs will maintain its litigation hold throughout the pendency of the litigation against defendant JUUL Labs, Inc.;
  3. PAX Labs will produce witnesses for deposition in this litigation against defendant JUUL Labs, Inc by notice only, without requiring a subpoena;
  4. The statute of limitations for Plaintiffs’ claims, the claims of any additional named plaintiffs that may join this action arising out of substantially the same course of conduct as alleged, and the claims of the proposed classes that Plaintiffs seek to represent, against PAX Labs will be tolled throughout the pendency of this litigation against defendant JUUL Labs, Inc.;
  5. Each party shall bear its own costs and fees.
  6. This dismissal without prejudice shall not affect Plaintiffs’ claims against any other party.

1           **IT IS SO STIPULATED.**

2  
3       Dated: July 2, 2018

GOODWIN PROCTER LLP

4  
5           By:           /s/ Brett M. Schuman            
              Brett M. Schuman

6  
7           Attorneys for Defendant PAX LABS, INC.

8  
9       Dated: July 2, 2018

GUTRIDE SAFIER LLP

10  
11          By:           /s/ Anthony J. Patek            
              Anthony J. Patek

12          Attorneys for Plaintiffs

**ATTORNEY ATTESTATION**

I, Anthony J. Patek, hereby attest that concurrence in the filing of this document has been obtained from the above signatories.

By: /s/ Anthony J. Patek  
Anthony J. Patek

**~~PROPOSED~~ ORDER ENTERING STIPULATION OF DISMISSAL WITHOUT  
PREJUDICE AGAINST PAX LABS, INC.**

WHEREAS, pursuant to Federal Rule of Civil Procedure Rule 41(a)(1)(ii), a plaintiff may voluntarily dismiss an action without a court order by filing “a stipulation of dismissal signed by all parties who have appeared” and the parties have done so;

NOW THEREFORE, the Court hereby adopts the stipulation and orders the dismissal without prejudice of plaintiffs’ claims against Pax Labs, Inc., subject to the conditions of the parties’ joint stipulation.

**IT IS SO STIPULATED.**

